

UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF WISCONSIN

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CHAPTER 13 PLAN (Individual Adjustment of Debts)

☐ Original Plan
☒ **Second** Amended Plan (Indicate 1st, 2nd, etc. Amended, if applicable)
☐ Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable)

DEBTOR: Richard Allen Wirtala JOINT DEBTOR: Rachel Lora Wirtala CASE NO.: 1-18-12881
 SS#: xxx-xx-5509 SS#: xxx-xx-1300

I. NOTICES***Changes from first two plans are in Italics.***

To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk pursuant to Local Rules 3015-1, 3015-2, and 3015-3.

To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified or eliminated.

To All Parties: The plan contains no nonstandard provisions other than those set out in paragraph VIII. Debtor(s) must check one box on each line listed below in this section to state whether the plan includes any of the following:

The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Nonstandard provisions, set out in Section VIII	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included

TO ALL PARTIES:

Unless otherwise provided for in this plan, the Trustee shall disburse payments in the following order: administrative expenses including trustee and attorney fees, secured claims, priority claims, general unsecured claims.

II. PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE

A. MONTHLY PLAN PAYMENT: This Plan pays for the benefit of the creditors the amounts listed below, including trustee's fees beginning 30 days from the filing/conversion date. Debtor(s) will make payments by employer wage order, unless otherwise specified herein. The payments must be made for the Applicable Commitment Period, either 36 or 60 months, or for a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

1. \$ 704.37 for 60 months; *First Plan had 685.52 for 60 months 1st Amended Plan had 682.62 for 60 months;*

The total amount of estimated payments to the trustee: **\$42,262.20**

First plan had \$41,131.20. 1st Amended Plan had \$40,957.20

\$325.09 to be paid from the Debtor Husbands biweekly paychecks.

First Plan had \$316.39 bi-weekly 1st Amended Plan had \$315.06 bi-weekly.

B. DEBTOR(S)' ATTORNEY'S FEE: ☐ NONE ☐ PRO BONO

Total Fees: **\$1,500.00** Total Paid: **\$1,500.00** Balance Due: **\$0.00**
 Payable _____ /month (Months _____ to _____)

III. TREATMENT OF SECURED CLAIMS

A. SECURED CLAIMS: ☐ NONE

[Retain Liens pursuant to 11 U.S.C. §1325(a)(5)] Mortgage(s)/Lien on Real or Personal Property:

1	Creditor:	One Main Financial	
	Address:		
	Arrearage/Payoff on Petition Date	\$5,382.71 <i>First Plan had \$4100.00</i>	
	Regular Payment (Maintain)	\$107.07 /month (Months 1 to 58) with Interest of 6% <i>1st amended Plan had \$110.48 /month (Months 4 to 60) with 6% interest. First Plan had \$83.83 with 6% interest</i>	
	Arrears Payment (Cure)	0.00 /month (Months 0 to 0)	
	Account No.:		
	Other:		

Debtor(s): **Richard Allen Wirtala**

Rachel Lora Wirtala Case number: **1-18-12881**

- ☐ Real Property
☐ Principal Residence
☐ Other Real Property

Address of Collateral:

Check one below for Real Property:

- ☐ Escrow is included in the regular payments
☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

- ☒ Personal Property/Vehicle

Description of Collateral: **2004 GMC Envoy 166,000 miles**

2 Creditor: **Prestige Financial Services**

Address:

Arrearage/Payoff on Petition Date **\$25,766.78 First Plan had \$25,000.00**

Regular Payment **\$512.53 /month (Months 1 to 58) with Interest of 6%**
(Maintain) **1st Amended Plan had \$528.86 a month (Months 4 - 60)**

First Plan had \$529.45 /month with 6% interest

Arrears Payment (Cure) **0.00 /month (Months 0 to 0)**

Account No.:

Other:

- ☐ Real Property
☐ Principal Residence
☐ Other Real Property

Address of Collateral:

Check one below for Real Property:

- ☐ Escrow is included in the regular payments
☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

- ☒ Personal Property/Vehicle

Description of Collateral: **2016 Chevy Traverse 89,000 miles**

B. VALUATION OF COLLATERAL: ☒ NONE

IF YOU ARE A SECURED CREDITOR LISTED BELOW, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING YOUR CLAIM IN THE AMOUNT INDICATED, A SEPARATE MOTION WILL ALSO BE SERVED UPON YOU PURSUANT TO BR 7004 AND LR 3015-1.

C. LIEN AVOIDANCE ☒ NONE

D. SURRENDER OF COLLATERAL: Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

- ☐ The debtor(s) elect to surrender to each secured creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors.

☐ Other:

E. DIRECT PAYMENTS:

☒ NONE

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. §507 and 11 U.S.C. §1322(a)(4)]

A. ADMINISTRATIVE FEES OTHER THAN DEBTORS(S)' ATTORNEY'S FEE: ☐ NONE

Name: **Filing Fee**

Payment Address:

Total Due: **\$310.00**

Payable **310.00 Month 1**

Debtor(s): **Richard Allen Wirtala**
Rachel Lora Wirtala Case number: **1-18-12881**

B. PRIORITY TAX CLAIMS: ☐ NONE

Total Due: **\$1,788.90** Total Payment **\$1,788.90**
Payable **\$521.06 in Month 58, \$633.33 in Month 59 and \$633.91 in Month 60. 1st Amended Plan had 596.30 /month. 1st Plan had: As determined by the Chapter 13 Trustee's office.**

C. DOMESTIC SUPPORT OBLIGATION(S): ☒ NONE ☐ CURRENT AND PAID OUTSIDE

D. OTHER: ☒ NONE

V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS

A. Pay _____ /month
X Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.
B. ☐ If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: ☒ NONE

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES: Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

VII. INCOME TAX RETURNS AND REFUNDS: ☒ NONE

☒ The debtor(s) is hereby advised that the chapter 13 trustee has requested that the debtor(s) comply with 521(f) 1-4 on an annual basis during the pendency of this case. The debtor(s) will not provide tax returns unless requested by any interested party pursuant to 11 USC 521. If returns are requested, the debtor(s) hereby acknowledge that the deadline for providing the Trustee with their filed tax returns is on or before May 15 of each year the case pending.

VIII. NON-STANDARD PLAN PROVISIONS: ☒ NONE

PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

<u>/s/ Richard Allen Wirtala</u>	Debtor	<u>Dec.26, 2018</u>	<u>/s/ Rachel Lora Wirtala</u>	Joint Debtor	<u>Dec. 26, 2018</u>
Richard Allen Wirtala		Date	Rachel Lora Wirtala		Date
<u>/s/ John W. Jokela</u>			<u>December 26, 2018</u>		
John W. Jokela 1014121			Date		
Attorney with permission to sign on Debtor(s)' behalf					

By filing this document, the Attorney for Debtor(s) or Debtor(s), if not represented by counsel, certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph VIII.